

REMARKS

The above amendment of the specification is in accordance with the amendment (requested by the PTO) in parent application USSN 08/254,345 (now USPN 6,682,825). This amendment merely includes reference to FIG. 12 in the Brief Description of the drawings. FIG. 12 was filed with the application papers which have been granted a filing date of August 27, 2003.

With the entry of the amendments to the claims, the pending claims include Claims 1-27 and 40-60, with Claims 1, 16, 19, 40, 46, 49, 53, and 60 being the pending independent claims. Independent Claims 1, 40, 46, and 60 stand allowed.

Claims 28-39 stand canceled. As such, the double patenting rejection of Claims 28-39 is rendered moot.

Turning to the various amendments to the claims, the phrase “carboxyl-modified polyolefin” has been deleted from rejected independent Claims 16, 19, 49, and 53. In Sections 4 and 5 of the July 1 Office Action, Independent Claims 16, 19, 49, and 53 are rejected as anticipated by US Patent No. 4,615,922, to Newsome (“NEWSOME”). The Office Action states that NEWSOME teaches a 5-layer film having an oxygen barrier layer, adhesive layers, and surface layers containing a blend of EVA and LLDPE, wherein the LLDPE can be Admer NF-500, a graft-modified (acid) polyethylene resin. Thus, the amendment to delete “carboxyl-modified polyolefin” from the second component in independent Claims 16, 19, 49, and 53, and from the fourth component in Claim 49, renders each of these independent claims (and claims depending therefrom) patentable over NEWSOME. Applicants have also amended allowed independent Claim 46 because it appears to have the same relationship to NEWSOME, and it appears that the Office Action may have inadvertently failed to include Claim 46 in the listing of claims rejected over NEWSOME.

Second, the term "plastomer" has been entirely deleted from the claims, in accordance with the Decision on Appeal mailed 8 August 2000 in parent USSN 08/254,345. The phrase "homogeneous ethylene/alpha-olefin copolymer having a density of from about 0.86 to 0.91 g/cc" is substituted for the term "plastomer". This is the same amendment made to Claim 1 of the '345 application, which thereafter issued as USPN 6,682,825. Support for this amendment can be found in Applicants' specification at, for example, Page 10 line 29 through Page 11 line 3.

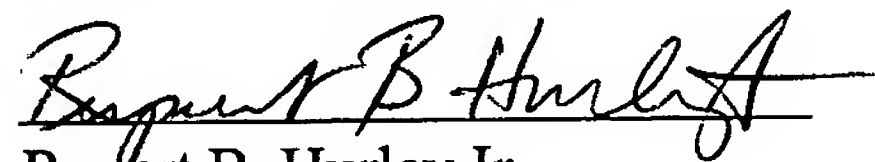
Third, the units "g/cc" have been added to various claims in order to include the density units which have been used throughout the specification.

The amendments to the specification and claims contain no new matter.

CONCLUSION

In view of all of the foregoing amendments and remarks, Applicants respectfully request reconsideration of the patentability of the pending claims, with a view towards allowance.

Respectfully submitted,



Rupert B. Hurley Jr.

Reg. No. 29,313

Cryovac, Inc.
P.O. Box 464
Duncan, S.C. 29334
(864) 433-3247
3 January 2005